

ASSEMBLY BILL

No. 2607

Introduced by Assembly Member Roger Hernández

February 24, 2012

An act to amend Section 47607 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2607, as introduced, Roger Hernández. Charter schools: petition renewal.

The Charter Schools Act of 1992 specifies the procedures for the submission, review, and approval or denial of a petition to establish a standard or countywide charter school. The Charter Schools Act limits the duration of charters to a period not to exceed 5 years and authorizes the chartering authority to grant one or more subsequent renewals for an additional period of 5 years for each renewal. The Charter Schools Act prescribes the requirements a charter school must comply with in order to have its charter renewed, including attaining specified measures of academic performance. The Charter Schools Act requires the chartering authority to make specified determinations regarding the academic performance of the charter school and to submit to the Superintendent of Public Instruction copies of supporting documentation and a written summary of the basis for those determinations.

This bill would authorize the chartering authority to submit the supporting documentation and summary in electronic form.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 47607 of the Education Code is amended to read:

47607. (a) (1) A charter may be granted pursuant to Sections 47605, 47605.5, and 47606 for a period not to exceed five years. ~~A charter granted by The governing board of a school district governing board,~~ a county board of education, or the state board; ~~may be granted~~ grant one or more subsequent renewals of a charter approved by that entity. Each renewal shall be for a period of five years. A material revision of the provisions of a charter petition may be made only with the approval of the authority that granted the charter. The authority that granted the charter may inspect or observe any part of the charter school at any time.

(2) Renewals and material revisions of charters are governed by the standards and criteria in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

(b) Commencing on January 1, 2005, or after a charter school has been in operation for four years, whichever date occurs later, a charter school shall meet at least one of the following criteria ~~prior to~~ before receiving a charter renewal pursuant to paragraph (1) of subdivision (a):

(1) Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.

(2) Ranked in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.

(3) Ranked in deciles 4 to 10, inclusive, on the API for a demographically comparable school in the prior year or in two of the last three years.

(4) (A) The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

1 (B) The determination made pursuant to this paragraph shall be
2 based upon all of the following:

3 (i) Documented and clear and convincing data.

4 (ii) Pupil achievement data from assessments, including, but
5 not limited to, the Standardized Testing and Reporting Program
6 established by Article 4 (commencing with Section 60640) for
7 demographically similar pupil populations in the comparison
8 schools.

9 (iii) Information submitted by the charter school.

10 (C) A chartering authority shall submit to the Superintendent
11 copies of supporting documentation and a written summary of the
12 basis for any determination made pursuant to this paragraph. *The*
13 *chartering authority may submit those documents in electronic*
14 *form.* The Superintendent shall review the materials and make
15 recommendations to the chartering authority based on that review.
16 The review may be the basis for a recommendation made pursuant
17 to Section 47604.5.

18 (D) A charter renewal may not be granted to a charter school
19 ~~prior to~~ *before* 30 days after that charter school submits materials
20 pursuant to this paragraph.

21 (5) Has qualified for an alternative accountability system
22 pursuant to subdivision (h) of Section 52052.

23 (c) A charter may be revoked by the authority that granted the
24 charter under this chapter if the authority finds, through a showing
25 of substantial evidence, that the charter school did any of the
26 following:

27 (1) Committed a material violation of any of the conditions,
28 standards, or procedures set forth in the charter.

29 (2) Failed to meet or pursue any of the pupil outcomes identified
30 in the charter.

31 (3) Failed to meet generally accepted accounting principles; or
32 engaged in fiscal mismanagement.

33 (4) Violated any provision of law.

34 (d) ~~Prior to~~ *Before* revocation, the authority that granted the
35 charter shall notify the charter public school of any violation of
36 this section and give the school a reasonable opportunity to remedy
37 the violation, unless the authority determines, in writing, that the
38 violation constitutes a severe and imminent threat to the health or
39 safety of the pupils.

1 (e) ~~Prior to~~ *Before* revoking a charter for failure to remedy a
2 violation pursuant to subdivision (d), and after expiration of the
3 school's reasonable opportunity to remedy without successfully
4 remedying the violation, the chartering authority shall provide a
5 written notice of intent to revoke and notice of facts in support of
6 revocation to the charter school. No later than 30 days after
7 providing the notice of intent to revoke a charter, the chartering
8 authority shall hold a public hearing, in the normal course of
9 business, on the issue of whether evidence exists to revoke the
10 charter. No later than 30 days after the public hearing, the
11 chartering authority shall issue a final decision to revoke or decline
12 to revoke the charter, unless the chartering authority and the charter
13 school agree to extend the issuance of the decision by an additional
14 30 days. The chartering authority shall not revoke a charter, unless
15 it makes written factual findings supported by substantial evidence,
16 specific to the charter school, that support its findings.

17 (f) (1) If a school district is the chartering authority and it
18 revokes a charter pursuant to this section, the charter school may
19 appeal the revocation to the county board of education within 30
20 days following the final decision of the chartering authority.

21 (2) The county board may reverse the revocation decision if the
22 county board determines that the findings made by the chartering
23 authority under subdivision (e) are not supported by substantial
24 evidence. The school district may appeal the reversal to the state
25 board.

26 (3) If the county board does not issue a decision on the appeal
27 within 90 days of receipt, or the county board upholds the
28 revocation, the charter school may appeal the revocation to the
29 state board.

30 (4) The state board may reverse the revocation decision if the
31 state board determines that the findings made by the chartering
32 authority under subdivision (e) are not supported by substantial
33 evidence. The state board may uphold the revocation decision of
34 the school district if the state board determines that the findings
35 made by the chartering authority under subdivision (e) are
36 supported by substantial evidence.

37 (g) (1) If a county office of education is the chartering authority
38 and the county board revokes a charter pursuant to this section,
39 the charter school may appeal the revocation to the state board
40 within 30 days following the decision of the chartering authority.

1 (2) The state board may reverse the revocation decision if the
2 state board determines that the findings made by the chartering
3 authority under subdivision (e) are not supported by substantial
4 evidence.

5 (h) If the revocation decision of the chartering authority is
6 reversed on appeal, the agency that granted the charter shall
7 continue to be regarded as the chartering authority.

8 (i) During the pendency of an appeal filed under this section, a
9 charter school, whose revocation proceedings are based on
10 paragraph (1) or (2) of subdivision (c), shall continue to qualify
11 as a charter school for funding and for all other purposes of this
12 part, and may continue to hold all existing grants, resources, and
13 facilities, in order to ensure that the education of pupils enrolled
14 in the school is not disrupted.

15 (j) Immediately following the decision of a county board to
16 reverse a decision of a school district to revoke a charter, the
17 following shall apply:

18 (1) The charter school shall qualify as a charter school for
19 funding and for all other purposes of this part.

20 (2) The charter school may continue to hold all existing grants,
21 resources, and facilities.

22 (3) Any funding, grants, resources, and facilities that had been
23 withheld from the charter school, or that the charter school had
24 otherwise been deprived of use, as a result of the revocation of the
25 charter shall be immediately reinstated or returned.

26 (k) A final decision of a revocation or appeal of a revocation
27 pursuant to subdivision (c) shall be reported to the chartering
28 authority, the county board, and the department.